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PATENTS



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Name

Theodore J. Leitereg

Date 6/3/04

Attorney Docket No. 7381

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Edwin F. Ullman, *et al.*

Serial No.: 09/691,383

Art Unit: 1641

Filed: October 17, 2000

Examiner: Christopher L. Chin

Title: Simultaneous Screening of Multiple Analytes

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-entitled patent application are the following:

1. Summary of Record of Interview
2. Transmittal Letter (in duplicate)
3. Postcard

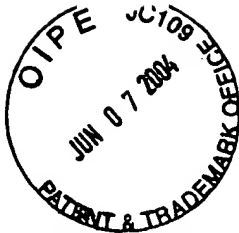
Address for Correspondence

Please continue to address all correspondence for this application to **Susan Yarc, Behring Diagnostics GmbH, c/o Dade Behring Inc., 1717 Deerfield Road, Deerfield, Illinois 60015-0778, whose telephone number is (847) 267-5364.**

Respectfully submitted,

Theodore J. Leitereg
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Reg. No. 28,319

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Name: Theodore J. Leitereg

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Sir:

Statement of Substance of Interview

This is responsive to the Interview Summary Form that accompanied the Notice of Allowance dated May 17, 2004, from the U.S. Patent and Trademark Office in the above-identified patent application.

In the Interview Summary Form Applicant was given one month from the date of the Interview Summary Form to file a statement of the substance of the telephonic interview between the undersigned and the Examiner on May 10, 2004.

As indicated in the Interview Summary Form, all of the claims (namely, Claims 19-34) were discussed together with Oh, *et al.* (U.S. Patent No. 5,851,778). The undersigned conveyed to the Examiner Applicant's assertion that Oh, *et al.*, teach an assay directed to the determination of one analyte in a sample suspected of containing only one analyte using reagents for the detection of the one analyte. The undersigned emphasized that the present invention is directed to a method for the determination of one or more of a plurality of drugs of interest in a sample. Although the present methods may only detect the presence of one drug, the present methods include the step of adding multiple antibodies,

one each for each of the drugs suspected of being in the sample. Additionally, the present methods include the step of adding multiple first reagents, one each for each of the drugs suspected of being in the sample. The second reagent called for in the present methods is usually, but not necessarily always, a single reagent. The kit claims were also discussed and the undersigned presented Applicant's position, which was similar to that discussed above for the method claims. The Examiner indicated that Applicant's assertions were persuasive.

For purposes of clarity, the Examiner proposed amending the claims as set forth in the Examiner's Amendment that accompanied the Notice of Allowance. Essentially, the Examiner wanted to make clear that the reagents mentioned in Claim 19, line 4 and line 7, and in Claim 27, line 4 and line 6, were conjugates and not a mixture of separate substances. The undersigned agreed with the proposed amendment after checking with Applicant. The Examiner kindly agreed to make the proposed amendments by Examiner's amendment.

No exhibits were shown and no demonstrations were conducted.

The undersigned wishes to thank the Examiner formally for contacting the undersigned for the purpose of the aforementioned interview.

Respectfully submitted,



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